



SARAH M. MATZ  
PARTNER  
SARAH@ADELMANMATZ.COM  
DIR: (646) 650-2213

February 16, 2018

**VIA ECF AND E-MAIL**

The Hon. Judge Cathy Seibel  
The Hon. Charles L. Brieant Jr.  
Federal Building and United States Courthouse  
300 Quarropas St., Courtroom: 621  
White Plains, NY 10601-4150  
[chambersnysdseibel@nysd.uscourts.gov](mailto:chambersnysdseibel@nysd.uscourts.gov)

Re: *Can't Stop Productions, Inc. v. Sixxvux, Ltd. et al.* 7:17-cv-06513-CS

Hon. Judge Seibel:

We represent the defendants in the above referenced action. Pursuant to rule 2.A of Your Honor's Individual Practices, we write to oppose intervenor's motion (including the amended motion) to introduce any allegedly newly discovered evidence.

There is no support for any contention, that either of the documents intervenor seeks to introduce were not available prior to the time that the hearing finished, or at the very least with respect to the amended motion and the February 4, 2018 Facebook Posts, prior to the time that Mr. Rose testified and prior to the time that the proposed findings of fact and conclusions of law were submitted. In fact both, documents, including the Facebook posts were available *before* February 6, 2018, when Mr. Rose testified. Mrs. Willis had the opportunity to cross examine him, and she did so. Mrs. Willis also had the opportunity to re-call Mr. Rose for her defense, which she chose not to do. It is highly prejudicial to Defendants for Mrs. Willis to submit these documents now with her own incorrect characterization of their meaning and context, when she had the opportunity to cross examine the witness concerning the documents and statements made therein. It is prejudicial to Defendants to be (i) deprived of the opportunity to testify about these documents and any meaning that Mrs. Willis is trying to prove; or (ii) at the very least, with reference to the Facebook posts submitted with her amended motion, to be deprived of the opportunity to submit argument concerning the documents in the proposed findings of fact and conclusions of law.

Furthermore, as the Court knows, the parties have been and were actively engaged in settlement negotiations, for some time, including in the fall of 2017, and over the weekend of February 4, 2018.

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ADELMAN MATZ P.C.

PHONE: (646) 650-2207 • FAX: (646) 650-2108

MAILING:

1173A SECOND AVENUE, SUITE 153  
NEW YORK, NEW YORK 10065

OFFICE:

780 THIRD AVENUE, 14<sup>TH</sup> FLOOR  
NEW YORK, NEW YORK 10017

While Defendants dispute Mrs. Willis' arguments, post briefing arguments should not be allowed to be considered by the Court. Mrs. Willis had an opportunity to introduce evidence and arguments, and she cannot now be allowed to submit arguments and evidence after the hearing closed and after the deadline for briefs. We respectfully request that the Court disregard these documents and Mrs. Willis' incorrect arguments.

We appreciate the Court's time and consideration, and should Your Honor need any further information, or if the Court would like to discuss any of the above, we are available at the Court's convenience.

Respectfully Submitted,

ADELMAN MATZ P.C.

A handwritten signature in black ink, appearing to be 'SM:' with a stylized flourish.

Sarah M. Matz, Esq.

Cc. (Via ECF and E-Mail)  
Counsel for Plaintiff  
Karen Willis